

REMARKS

Claims 1, 5, 6, 41, and 42 are currently pending. Claims 1 and 42 are amended. The Applicant respectfully requests reconsideration of the application.

Allowable Subject Matter

The Applicant gratefully acknowledges the indication by the Examiner that claim 42 is allowable.

Obviousness-type double patenting rejection

Claims 1, 5, 6, and 41 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 7-19, 21-25, and 35-61 of copending U.S. Patent Application No. 10/645,566. The Applicant respectfully notes that these rejections are provisional rejections and defers from responding to them at this time. The Applicant notes that the claims currently pending in the present application have been altered. Further, the scope of the claims contained in copending application no. 10/645,566 may change potentially rendering these double patenting rejections moot. The Applicant will defer from responding to these rejections until such time as the claims of copending application no. 10/645,566 are allowed.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe (U.S. Patent Application Publication 2004/0156294) in view of Senshu (U.S. patent Application Publication 2002/0060968). This rejection is respectfully traversed.

Claim 1 is directed to a recording medium that includes one or more data units, where each data unit includes a data field having eight consecutive rows of data. Each of the first four rows of the data field includes one sync byte and four information bytes, and each of the second four rows of the data field includes a sync byte and four parity bytes. To the reading of the undersigned, the Watanabe et al. publication is silent as to the data unit recited in claim 1. The Senshu system, as depicted in Figure 2 of the Senshu publication, includes $4n$ rows of information field, one row of EDC (error detection code), and 4 rows of ECC_{BCA} field that appears to be considered by the Office to correspond to the parity fields of the presently claimed invention. However, it is noted that ECC_{BCA} is an error correction code, not parity data. Furthermore, EDC is disposed between the information field and ECC_{BCA} field. Thus, even if one were to assume, *arguendo*, that ECC_{BCA} would correspond to the parity data of the presently claimed invention, the data block of the Senshu system would, at best, have 9 consecutive rows, not 8 consecutive rows. As such, the Senshu system has a data structure different from that of the presently claimed invention. Since neither of the cited references, taken alone or in combination, teach all the limitations of the claimed invention, the Applicant asserts that a *prima facie* case of obviousness has not been established, and that claim 1 is allowable. Claims 5, 6, and 41 depend, either directly or ultimately, from claim 1, rendering them also allowable for at least the same reasons as set forth above.

CONCLUSION

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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